

The York County Board of Commissioners met according to law on June 30, 2009 at 9:35 a.m. as per notice in the York News Times on June 25, 2009, with Augustus M. Brown Jr. presiding, with Eugene Bergen, Steve Neujahr, Kurt Bulgrin and Pat Bredenkamp. Also present was Melanie Wilkinson, correspondent for the York News Times.

The agenda of the meeting was posted on the bulletin board in the County Clerk’s office and a copy of the agenda was made available to each Commissioner.

Brown announced that the Open Meetings Law was posted on the outside of the door and copies were available in the back of the board room. Proof of publication was also available.

The Board met with Elected Officials and Department heads prior to the regular meeting. No action was taken.

Moved by Neujahr, seconded by Bulgrin to approve the minutes of the June 16, 2009 Board of Commissioners meeting; roll call: yeas, Neujahr, Bulgrin, Bergen, Bredenkamp and Brown; nays, none; motion carried.

Moved by Bulgrin, seconded by Bredenkamp to amend the agenda to take emergency action to adopt resolutions to transfer budget authorities; roll call: yeas, Bulgrin, Bredenkamp, Bergen, Neujahr and Brown; nays, none; motion carried.

Moved by Bulgrin, seconded Neujahr to adopt the amended agenda; roll call: yeas, Bulgrin, Neujahr, Bergen, Bredenkamp and Brown; nays, none; motion carried.

The Board reviewed the following General Assistance cases:

Moved by Bergen, seconded by Neujahr to approve Case #09-12 for medication in the amount of \$42.04 payable to Pamida Pharmacy; roll call: yeas, Bergen, Neujahr, Bredenkamp, Bulgrin and Brown; nays, none; motion carried.

Moved by Neujahr, seconded by Bergen to approve Case #09-24 for rent payable to U.S. Property in the amount of \$380.00; roll call: yeas, Neujahr, Bergen, Bulgrin, Bredenkamp and Brown; nays, none; motion carried.

Moved by Bredenkamp, seconded by Bulgrin to approve Case #09-25 for utilities payable to NPPD in the amount of \$105.57; roll call: yeas, Bredenkamp, Bulgrin, Neujahr, Bergen and Brown; nays, none; motion carried.

Moved by Bulgrin, seconded by Bredenkamp to approve Case #09-26 for utilities payable to the City of York in the amount of \$93.38 and to NPPD in the amount of \$117.45; roll call: yeas, Bulgrin, Bredenkamp, Bergen, Neujahr and Brown; nays, none; motion carried.

Additional claims were presented from Constructor Inc for blacktop out of the Road Department in the amount of \$292,708.85 and from Henderson Ambulance in the amount of \$5,000.

Moved by Bulgrin, seconded by Neujahr to approve payroll in the amount of \$110,840.92 and the following vendor claims as presented including the additional claims of Constructors and Henderson Ambulance and to direct the County Treasurer to transfer money from the specifically designated county funds to the Imprest Account fund; roll call: yeas, Bulgrin, Neujahr, Bergen, Bredenkamp and Brown; nays, none; motion carried.

<u>Fund</u>	<u>Name</u>	<u>Description</u>	<u>Total</u>
Rd	Ace Irrigation and Mfg	Culverts	1,849.00
Gen, Rd	Black Hills Energy	Heating Fuels	250.56
Gen	Augustus M Brown Jr.	Mileage	51.15
State Inst	Bryan LGH Medical Center West	EPC Billing	10,052.05
Rd	Car Parts Inc.	Repair Parts	49.73
Gen, Rd	Constellation NewEnergy Gas Div	Heating Fuels	321.55
Rd	Constructors, Inc.	Resurfacing	292,708.85
Gen, Debt Serv	Cornerstone Bank	Bond Payment	448,512.50
Rd	Cornhusker Cleaning Systems Inc.	Shop Supplies	29.70
Gen	Byron Covey	Mileage	67.65
Rd	Cross-Dillon Tire	Tire Repair	1,782.00
Gen	Des Moines Stamp Mfg Co.	Office Supplies	128.30
Gen	Eakes Office Plus	Office Supplies	295.15
Gen	Election Systems & Software	Election Supplies	555.00
Rd	Farm Plan	Repair Parts	103.28
Rd	Farmers Cooperative	Tire Repair	747.88
Rd	Fastenal Industrial & Const Supply	Repair Parts	22.30
Gen	Fillman Law Offices	Attorney Fees	1,935.00
Rd	Five Star Truck Center - York	Tire Repair	90.00
Rd	Flail-Master	Grader Blades	641.73
Gen	Hall County Sheriff	Court Costs	12.96
Gen	Hamilton County Sheriff	Court Costs	28.00
Gen	Cynthia D Heine	Mileage/Meals	204.46
Ambulance	Henderson Ambulance District	Budget 2008-2009	5,000.00
Rd	Holiday Inn Express-Valentine	Lodging	188.00
Gen	Holiday Inn Express-Lexington	Lodging	140.00
Rd	Hradec Diesel	Repair Parts	22.89
Gen	UNL Is Communications Center	Internet	12.95
Gen	Jackson Services Inc.	Building Maintenance	42.50
Rd	JEO Consulting Group, Inc.	Engineering	3,065.00

Gen	Angie Johnson	Mileage/Meals	70.59
Rd	Johnson Sand & Gravel Co, Inc.	Gravel	3,241.22
Gen	Chad Kennedy	Court Costs	20.00
Gen	Lancaster County Sheriff	Court Costs	6.58
Rd	Lichti Bros Oil Co Inc.	Fuel	14,503.07
Weed	Mead Lumber & Rental-York	Supplies	16.11
Rd	Mogul's Transmission, Inc.	Repair Parts/Labor	650.69
Gen	Momar, Inc.	Supplies	249.70
Rd	Murphy Tractor	Motor Grader	127,652.00
Gen	National Paper & Sanitary Supply	Office Supplies	168.98
Gen	National Pen Company	Office Supplies	92.10
Gen	Ne Dept of Motor Vehicles	Court Costs	23.00
State Inst	Ne Health and Human Services	May 2009	279.00
Gen	Ne Public Power District	Electricity	174.77
Rd	Ne Truck & Equipment Co Inc.	Repair Parts	277.69
Rd	Ne-Iowa Industrial Fasteners Corp	Shop Supplies	100.64
Gen	Steve Neujahr	Reimbursement	27.50
Gen, Rd, Weed	NIRMA	Insurance	194,603.00
Rd	NMC Exchange LLC	Repair Parts	1,420.69
Gen	North Office Supply	Office Supplies	27.98
Gen	O'Keefe Elevator Company, Inc.	Maintenance	354.53
Rd	Overland Sand & Gravel Company	Gravel	7,636.89
Rd	Penner's Tire & Auto, Inc.	Tire Repair	165.78
Gen, Rd	Perennial Public Power District	Electricity	121.79
Rd	Platte Valley Communications	Radio Repair	72.38
Gen	Polk County Sheriff	Court Costs	6.00
Rd	Power Plan	Repair Parts	81.50
Gen	Quality Inn & Suites-North Platte	Lodging	263.80
Rd	Rasmussen Auto Parts	Repair Parts	313.28
Gen	Redfield & Company, Inc.	Office Supplies	236.00
Rd	Don Robb	Reimbursement	54.00
Rd	Sahling Kenworth Inc.	Repair Parts	620.07
Rd	Sapp Bros. Petroleum, Inc.	Fuel	1,182.94
Gen	Brenda Scavo	Mileage	147.15
Gen	Secretary of State - Election Div	Election Supplies	5.00
Gen	Secretary of State - Rules & Reg	Court Costs	20.00
Gen	Casey Smith	Court Costs	114.60
Gen	Spectra Associates, Inc.	Office Supplies	20.95
Gen	Stephanie Stanley	Mileage	22.00
Data Proc	State of Ne Das Central Finance	Data Proc Equip	58.22
Gen	Svehla Law Offices	Attorney Fees	472.50
Gen	Telephone Systems of Nebraska Inc.	Security Equip	75.50
Rd	Titan Machinery	Repair Parts	293.31
Rd	True Value/Coast to Coast	Supplies	45.76
Gen	Kelly Turner	Meal	5.33
Gen	Janet Veleba	Mileage	45.10
Gen	York County Court	Court Costs	453.50
Rd	York Equipment, Inc.	Repair Parts	261.90
Rd	York Farm Supply LLC	Repair Parts	750.00
Rd	York Heating & Air Conditioning	Maintenance	69.00
Gen	York Printing Company, LLC	Office Supplies	308.40
Gen	York Vacuum Center	Office Equip	92.45
Gen	York Wholesale Company	Supplies	14.50

Interfund transfers were discussed and it was found that there was a deficit in the State Institutions Budget due to the claims presented. Claims with were filed prior to this time which needed to be reviewed. It has been determined that they should now be approved.

Moved by Neujahr, seconded by Bergen to adopt Resolution #09-49 to transfer \$6,000.00 from the Inheritance Tax Fund to the State Institutions Fund with it to be repaid when monies become available; roll call: yeas, Neujahr, Bergen, Bredenkamp, Bulgrin and Brown; nays, none; motion carried.

RESOLUTION #09-49

WHEREAS, the York County Board of Commissioners met at their regular meeting on the 30th day of June, 2009, to discuss and act on an emergency created in the funds available in the State Institutions budget (said claim to be paid out of the 09-10 budget) to operate until the end of the fiscal year which will be completed on June 30, 2010; and

WHEREAS, operating expenses have unexpectedly exceeded revenue; and

WHEREAS, the York County Board of Commissioners has been advised by the County Clerk that a deficit appropriation in the sum of \$6,000.00 will be required to complete the obligations of this fund for the fiscal year ending June 30, 2010.

NOW, THEREFORE, BE IT RESOLVED, that the York County Board of Commissioners hereby finds and declares that an emergency exists in the State Institutions Fund budget and hereby appropriates from the Inheritance Tax Fund the sum of \$6,000.00 for the State Institutions Fund budget for the remainder of the fiscal year ending June 30, 2010 for payment of claims. Such funds are to be reimbursed to the Inheritance Tax Fund when monies become available.

DATED this 30th day of June, 2009.

Rich Hankel of the Veterans Service Committee came before the Board with a budget request that the hours for the secretary, Teresa Contatore, be increased to 40 hours per week in the upcoming fiscal year. The Board will take this into consideration when drafting the budget.

Brian Leggett of the York County Development Corporation came before the Board with the annual report and budget request. He feels they will be asking for the same amount that was requested in the 08-09 budget which is \$50,000.

Carol Knieriem of CASA came before the Board along with program volunteers Michele Ronne, Dan Endorf, Amy Kopcho and Brandy Ehlers. They thanked the Board for their support.

Gayle Steiger of Romans Wiemer & Associates presented the board with the FY07-08 Audit. He gave an overview of the information contained in the audit report. The Board tabled action on the audit. It will be reviewed further and action will be taken in the July 14, 2009 board meeting.

The Board discussed the setting of Deputies salaries (Deputy Clerk, Treasurer, Assessor and Clerk of the District Court). General discussion was had regarding the FY09-10 budget. No decisions were made.

Don Robb spoke with the Board regarding responsibility by landowners regarding weed mowing, hedge and tree trimming and sprinkler irrigation systems. The following notices were reviewed. Notices will not be published at this time.

NOTICE

As per Nebraska Law No. 39-1811

Weed Mowing

Mowing weeds is the duty of landowners. It shall be the duty of the landowners in this state to mow all weeds that can be mowed with the ordinary farm mower to mow to the middle of all public roads and drainage ditches running along their lands.

As per Nebraska Law No. 39-1812

Hedges and Tree Trimming

Each landowner in this state upon whose lands there are standing or growing trees or undergrowth which border the public roads shall keep the same trimmed not less than once a year and trimmings so cut shall be burned or removed from the road right-of-way within ten days.

As per Nebraska Law No. 39-302 Roads

Sprinkler Irrigation System

A sprinkler irrigation system which due to location or design diverts, or is capable of diverting, water onto or across a public road so as to saturate, wash or impair the maintenance, construction, or passability of such public road or allows water to accumulate on the roadway or traveled surface of the public road shall be equipped with a device which will automatically shut off the end gun of the irrigation system causing such diversion or accumulation of water. Any person who fails to comply with this section shall, upon conviction thereof, be guilty of a Class IV misdemeanor, except the section 39-301 shall be controlling with respect to mechanical malfunctions and normal weather conditions.

The Board recessed at 12:04 p.m. and will convene following the 1:00 p.m. Board of Equalization meeting.

The Board of Commissioners reconvened at 3:00 p.m. Commissioners Neujahr, Bulgrin, Bergen, Bredenkamp and Brown were present along with County Attorney Tim Sieh.

Rex Heiden, County Surveyor, spoke with the Board regarding an agreement for payment of actual costs by the State of Nebraska Department of Roads for perpetuation of and survey corners and the establishment of witness corners as necessary. This is for Project S-L93E Charleston Link. He stated that there would be more land monuments effected than those listed on the agreement. Chairman Brown contacted Wes Wahlgren, District 4 Engineer by phone and he was agreeable to change the document by lining out the following line (*The maximum cost to the State shall not exceed \$800.00 for the tie out work and \$80.00 for the remonument work*)

Moved by Bulgrin, seconded by Bergen to approve the contract with the strike out; roll call: yeas, Bulgrin, Bergen, Neujahr, Bredenkamp and Brown; nays, none; motion carried.

PROJECT NO. S-L93E (1009)

STATE CONTROL NO. 40022

YORK COUNTY

STATE OF NEBRASKA, DEPARTMENT OF ROADS

REGISTERED LAND SURVEYING

THIS AGREEMENT, made and entered into by and between York County, Nebraska hereinafter referred to as the "County" and the State of Nebraska, Department of Roads, hereinafter referred to as the "State".

WITNESSETH:

WHEREAS, the State has plans for the improvement of State Link L93E, from Highway reference Post 0+30 to

Highway Reference Post 4+66, under Project No. S-L93E (1009), and

WHEREAS, the State desires the County provide a Registered Land Surveyor to tie out land monuments prior to the above construction and tie and remonument after construction, and

WHEREAS, the county is willing to perform the above said surveying services under the following terms and conditions.

SECTION 1. The County agrees to tie out land monuments as necessary for the above named project prior to construction work beginning and to tie and remonument as necessary after construction is completed, all under the direct supervision of a Registered Land Surveyor. The County further agrees to file the survey with the County Surveyor and/or County Clerk, with the Survey Record Repository I the State Surveyor's Office in Lincoln and with the Deputy State Surveyor in the Roadway Design Division at the Department of Roads' Lincoln Headquarters.

SECTION 2. The State agrees to reimburse the county for the actual cost of the work described in Section 1 above, up to a maximum cost to the State for each land monument of \$100.00 to tie out and \$100.00 to remonument. ~~The maximum cost to the State shall not exceed \$800.00 for the tie out work and \$800.00 for the remonument work.~~ The County shall prepare and submit a copy of the survey with the billing of the work completed. All billings shall be forwarded to the State's District 4 Construction Engineer, Keith Meyer, at PO Box 1488, Grand Island NE 68802-1488. Upon the satisfactory completion of the work, the State will pay the county within thirty (30) days or the completion of an audit by the State, whichever is later.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their proper officials' thereunto duly authorized as of the dates below indicated.

EXECUTED by the County this 30th day of June, 2009.

Commissioners Neujahr and Bulgrin reported on the status of the Zoning Administrators Position. Neujahr stated that if the person hired was already a county employee, then that position would be a Non-Exempt position which means that it would be an hourly wage. They would recommend that the County do a month to month with Orval Stahr as of now and try to find someone within the county to be trained to do this job.

Moved by Neujahr, seconded by Bulgrin retain our present Zoning Administrator, Orval Stahr on a month to month contract not to exceed an eighteen (18) month duration and that the County Attorney be directed to redraft the contract as stated; roll call: yeas, Neujahr, Bulgrin, Bergen, Bredenkamp and Brown; nays, none; motion carried.

Region V Systems submitted an Agreement for Emergency Protective Custody Services FY09-10. This agreement is the same as last year.

Moved by Bredenkamp, seconded by Neujahr to execute the Agreement with Region V Systems for Emergency Protective Custody Services; roll call: yeas, Bredenkamp, Neujahr, Bergen, Bulgrin and Brown; nays, none; motion carried.

An Addendum for reimbursement for child support services was received and reviewed.

Moved by Bulgrin, seconded by Bredenkamp to direct the Chairman of the Board to sign the Cooperative Reimbursement Agreement for Child Support Services; roll call: yeas, Bulgrin, Bredenkamp, Bergen, Neujahr and Brown; nays, none; motion carried.

**Addendum #1
For Cooperative Reimbursement Agreement
For Child Support Services**

1. The American Recovery and Reinvestment Act (ARRA) allows County Child Support offices to use incentive payments as part of their county match when obtaining federal reimbursement for child support related activities. The use of these funds must be transparent in order to allow the monitoring of payments. In order to achieve transparency, the Department must be able to readily identify the use of incentive funds used by the County against federal matching money. In order to account for the ARRA stimulus funds the counties are asked to show how they spent the Federal match on the incentive funds attributed to your quarterly allowable IV-D expenditures. In order to provide accountability counties are required to complete a Federal Incentive Match Form – (attached)

2. The use of the incentive payments and any federal matching money are for services outlined in Section C., Scope of Services, of the current Cooperative Reimbursement Agreement. Child support services are eligible for reimbursement as outlined in Section G., Reimbursement of county Expenses, and section H., County Incentive Payments, of that same agreement. Attached is an example of how DRA and ARRA affect incentive funds.

3. Counties must follow Title 45-Public Welfare Section III, section 305.35 (attached).

4. All county IV-D reimbursement documents are subject to audit by state or federal staff as outlined in section F., Records, of the current Cooperative Reimbursement Agreement for Child Support services.

This change became effective October 1, 2008 and will remain in place until September 30, 2010. All other terms and conditions of said Agreement not herein amended shall remain in full force and effect.

Executed by the parties or their authorized representatives:

ss:	Todd L. Reckling, Director Children and Family Services	5-15-09
ss:	Augustus M. Brown Jr., Chairman, York County Board of Commissioners	6-30-09
ss:	Tim S. Sieh, York County Attorney	6-25-09

Contryman Associates, P.C. submitted a Letter of Engagement to provide services in connection with the compilation of the 2009-2010 budget for the County of York. This is the third year of the contract.

Moved by Neujahr, seconded by Bredenkamp to sign the Letter of Engagement with Contryman Associates; roll call: yeas, Neujahr, Bredenkamp, Bulgrin, Bergen and Brown; nays, none; motion carried.

The Board discussed the fact that the County Assessor's budget was overspent by \$118.57 and that the Public Defender's by 3,987.75. At this time it is necessary to transfer budget authority within the General Fund to these budgets prior to the end of the fiscal year which is June 30, 2009.

Moved by Bulgrin, seconded by Bergen to adopt Resolution #09-50 transferring budget authority from the Miscellaneous General budget to the Assessor's budget in the amount of \$200.00; roll call: yeas, Bulgrin, Bergen, Neujahr, Bredenkamp and Brown; nays, none; motion carried.

RESOLUTION #09-50

WHEREAS, the York County Board of Commissioners met at their regular meeting on the 30th day of June, 2009, to discuss and act on an emergency created in the funds available in the budget of the County Assessor to operate until the end of the fiscal year which will be completed on June 30, 2009; and

WHEREAS, the York County Board of Commissioners has been advised by the County Clerk that a deficit appropriation in the sum of \$200.00 will be required to complete the obligations of its office for the fiscal year ending June 30, 2009.

NOW, THEREFORE, BE IT RESOLVED, that the York County board of Commissioners hereby finds and declares that an emergency exists in the budget of the County Assessor, and hereby appropriates from the Miscellaneous General Budget of the County the sum of \$200.00 for the budget of the County Assessor, for the remainder of the fiscal year ending June 30, 2009 for payment of claims.

Dated this 30th day of June, 2009.

Moved by Bredenkamp, seconded by Neujahr to adopt Resolution #09-51 to transfer \$4,000.00 from the Miscellaneous General appropriations to the Public Defender's budget; roll call: yeas, Bredenkamp, Neujahr, Bergen, Bulgrin and Brown; nays, none; motion carried.

RESOLUTION #09-51

WHEREAS, the York County Board of Commissioners met at their regular meeting on the 30th day of June, 2009, to discuss and act on an emergency created in the funds available in the budget of the Public Defender to operate until the end of the fiscal year which will be completed on June 30, 2009; and

WHEREAS, the York County Board of Commissioners has been advised by the County Clerk that a deficit appropriation in the sum of \$4,000.00 will be required to complete the obligations of its office for the fiscal year ending June 30, 2009.

NOW, THEREFORE, BE IT RESOLVED, that the York County board of Commissioners hereby finds and declares that an emergency exists in the budget of the York County Public Defender, and hereby appropriates from the Miscellaneous General Budget of the County the sum of \$4,000.00 for the budget of the York County Public Defender, for the remainder of the fiscal year ending June 30, 2009 for payment of claims.

Dated this 30th day of June, 2009.

Committee reports were given.

The Chairman declared the meeting adjourned at 4:14 p.m. The next regular meeting will be July 14, 2009 at 8:30 a.m. with Elected Officials/Department Heads; 9:20 a.m. with the General Assistance Administrator and 9:35 a.m. in the County Commissioners Room, lower level of the Courthouse for the regularly scheduled meeting.

Augustus M. Brown, Jr., Chairman
York County Commissioners

Cynthia D. Heine, County Clerk
York, Nebraska